

REMARKS

- (1) Claims 1, 4, 5 and 7-14 are pending in this application, all of which claims have been amended. No new claims have been added. Claims 2 and 3 have been cancelled in this Response.
- (2) The Applicants' representative appreciates the Examiner for the telephone interview on September 2, 2011. The Examiner has mailed the Interview Summary on September 12, 2011. This response includes the substance of the discussion.
- (3) Claims 2-5, 7 and 9-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over European Patent 530725 to Kato et al. Items 2-11 of the Office Action.

Claims 2 and 3 have been cancelled in this Response. Thus, the rejection has been made moot.

- (4) Claims 1-5, 7 and 9-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,563,728 to Allio et al. alone or in view of European Patent 530725 to Kato et al. Items 12-18 of the Office Action.

Claim 1 has been amended to recite "1.03 to 3% Mo." Allio et al. teach 0 to 0.05% Mo.

The Examiner's rejection is based on the Allio's disclosure of the composition that could be covered by the scope of the present application. *See* Item 13 of the outstanding Office Action. Claim 1 is amended to recite "1.03 to 3% Mo." The amendment is supported by Test Material No. 25 at page 21 of the specification of the present application.

Thus, amended claim 1 is distinguishable from Allio et al. *See* also the Interview Summary. Therefore, the invention of the amended claim 1 differs from the feature of Allio et al. It is unpredictable to modify Allio in view of Kato et al.

(5) Claims 1-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over EP 789089 to Yonezawa et al. in view of U.S. Patent No. 3,563,728 to Allio et al. Items 19-27 of the Office Action.

Claim 1 has been amended to recite "11 to 20.1% Ni." The amendment is supported by Test Material No. 27 at page 21 of the specification of the present application.

The Examiner's rejection is based on the Yonezawao's disclosure of the composition that could be covered by the scope of the present application. *See* Item 20 of the outstanding Office Action. Yonezawa et al. teach 25 to 40% Ni.

Application No. 10/585,885
Art Unit 1733

Submission under 37 C.F.R. §1.114
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Amended claim 1 is distinguishable from Yonezawa et al. *See Interview Summary.* It is unpredictable to modify Yonezawa et al. in view of Allio et al.

(5) The Applicants consider that the application is now in the condition for allowance. If the Examiner believes that this application is not in condition for allowance, the Examiner is requested to contact the undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case. If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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